

Title: COMPOSITION FOR COMBATING/REPELLING INSECTS, BIRDS, DIRTS AND PARASITES

Response to Office Action dated: May 19, 2006

Remarks

Claim 38 remains in this application. Claims 1-36, 39-54, 56-148 have been withdrawn. Claims 37, 55 and 57 have been cancelled without prejudice. New claims 149-163 which depend directly or indirectly from claim 38 have been added.

In the Office Action dated May 19, 2006, the Examiner asserted a restriction requirement, requiring applicant to elect among 35 groups which are assertedly different inventions. Applicant has, by this response, elected what has been identified as Group V relating to the use of "gums" for further examination in this application. Applicant thus has withdrawn the claims identified in the other groups, amended claim 38, and cancelled claims 37 and 55 without prejudice, thereby making only claim 38 from the application as filed currently pending.

In addition, the application has been amended to a specific species, that is, the use of at least two gums selected from the group consisting of guar gum, xanthan gum, and scleroglucan in combination with an active agent of hydrophobic silicon having the properties and quantities as set forth in claim 38. By cancelling claims 37 and 55 without prejudice, it is believed that the Examiner may focus on the composition as set forth in claim 38. In this regard, the Examiner's attention is invited to example 16, which considers a composition which includes – at least as active agent at least 7% by weight of hydrophobic silicon (Si) containing particles with a SiO₂ content of at least 80% by weight, with an average primary particle size comprised between 5 and 50nm, and with a BET surface of at least 125 m²/g, and – at least two gums selected from the group consisting of guar gum, xanthan gum and scleroglucan,

that is possible to achieve the best efficiency. That is, applicants believe that the efficiency of results recited is achieved through the particular claimed composition reflected in claim 38. See, for example, the specification at page 13, lines 4-5. See, for example, the recitation at page 38 of the specification, and also at page 13, lines 4-5. Also, it is submitted that in comparison with the claimed composition using other gums, the composition of the present invention demonstrated superior results, while combinations with other gums did not demonstrate an

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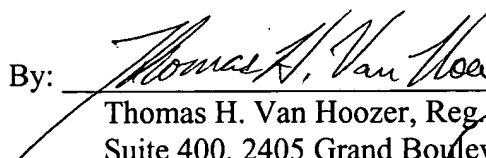
improvement in the efficiency of the composition. Applicants respectfully submit that one of ordinary skill in the art would be unable to predict that the present invention could demonstrate this improved efficiency would be improved by the selection of the composition using the claimed gelling agents.

Accordingly, it is submitted that this application is now in condition for examination and allowance. Such is courteously requested. Should the examiner have any questions or issues which may be resolved by a telephone conference, he is encouraged to contact the undersigned at 1-800-445-3460. Any additional fees necessitated by this submission may be charged to deposit account 19-0522.

Respectfully submitted,

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